



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) PATENT APPLICATION
)
Inventors: David L. Multer, et al.)
) Art Unit: 2631
Application No.: 09/753,537)
)
Filed: January 2, 2001)
)
Title: BINARY DATA)
SYNCHRONIZATION ENGINE) Customer No. 28554

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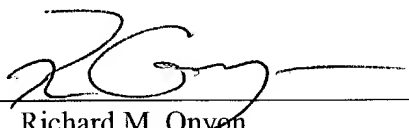
DECLARATION OF RICHARD M. ONYON IN SUPPORT OF
PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48

I, RICHARD M. ONYON, declare that:

1. The inventive entity was set forth in error in the above-identified patent application on the initial Declaration For Patent Application by David L. Multer filed on May 30, 2000 in the above-identified application, and the inventive entity was set forth in error in the above-identified patent application on the subsequent Declaration For Patent Application by David L. Multer, Robert E. Garner, Leighton A. Ridgard, Liam J. Stannard and Donald W. Cash filed on October 18, 2000 in the above-identified application (together, the "Erroneous Declarations").
2. I was not named as an inventor in either of the Erroneous Declarations.
3. I am inventor on the invention claimed in the above-identified patent application.
4. The error in not naming me on the Erroneous Declarations occurred without deceptive intent on my part.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10-31-2003

By: 
Richard M. Onyon



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

) PATENT APPLICATION

Inventors: David L. Multer, et al.

)

) Art Unit: 2631

Application No.: 09/753,537

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Filed: January 2, 2001

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Title: BINARY DATA
SYNCHRONIZATION ENGINE

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DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BINARY DATA SYNCHRONIZATION ENGINE

the specification of which (check applicable ones):

_____ is filed herewith;

X was filed with the above-identified "Filed" date and "Application No."

_____ was amended on (or amended through) __.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56.

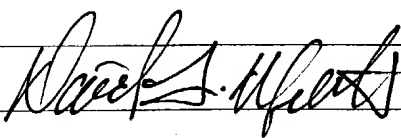
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

(1) Full name of sole
or first inventor: David L. Multer

(1) Residence: 32 Eastridge Drive, Santa Cruz, California 95060

(1) Post Office Address: Same as above

(1) Citizenship: U.S.A.

(1) Inventor's signature: 

(1) Date: Nov 7, 2003

(2) Full name of second
joint inventor: Robert E. Garner

(2) Residence: 309 Hidden Wood Court, Lawrenceville, Georgia 30043

(2) Post Office Address: Same as above

(2) Citizenship: U.S.A.

(2) Inventor's signature: _____

(2) Date: _____

(3) Full name of third
joint inventor: Leighton A. Ridgard

(3) Residence: 4152 Flakes Mill Manor Road, Ellenwood, Georgia 30294

(3) Post Office Address: Same as above

(3) Citizenship: U.S.A.

(3) Inventor's signature: _____

(3) Date: _____

(1) Full name of sole
or first inventor: David L. Multer

(1) Residence: 32 Eastridge Drive, Santa Cruz, California 95060

(1) Post Office Address: Same as above

(1) Citizenship: U.S.A.

(1) Inventor's signature: _____


(1) Date: _____

(2) Full name of second
joint inventor: Robert E. Garner

(2) Residence: 309 Hidden Wood Court, Lawrenceville, Georgia 30043

(2) Post Office Address: Same as above

(2) Citizenship: U.S.A.

(2) Inventor's signature: 

(2) Date: 11-6-03

(3) Full name of third
joint inventor: Leighton A. Ridgard

(3) Residence: 4152 Flakes Mill Manor Road, Ellenwood, Georgia 30294

(3) Post Office Address: Same as above

(3) Citizenship: U.S.A.

(3) Inventor's signature: _____

(3) Date: _____

(1) Full name of sole
or first inventor: David L. Multer

(1) Residence: 32 Eastridge Drive, Santa Cruz, California 95060

(1) Post Office Address: Same as above

(1) Citizenship: U.S.A.

(1) Inventor's signature: _____

(1) Date: _____

(2) Full name of second
joint inventor: Robert E. Garner

(2) Residence: 309 Hidden Wood Court, Lawrenceville, Georgia 30043

(2) Post Office Address: Same as above

(2) Citizenship: U.S.A.

(2) Inventor's signature: _____

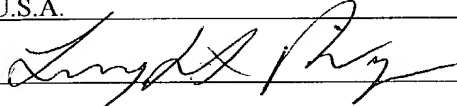
(2) Date: _____

(3) Full name of third
joint inventor: Leighton A. Ridgard

(3) Residence: 4152 Flakes Mill Manor Road, Ellenwood, Georgia 30294

(3) Post Office Address: Same as above

(3) Citizenship: U.S.A.

(3) Inventor's signature: 


(3) Date: 10-31-2003

(4) Full name of fourth
joint inventor: Liam J. Stannard

(4) Residence: 1584 Prospect Road, Lawrenceville, Georgia 30043

(4) Post Office Address: Same as above

(4) Citizenship: U.S.A.

(4) Inventor's signature: 

(4) Date: 11/10/03

(5) Full name of fifth
joint inventor: Donald W. Cash

(5) Residence: 1748 Vanderlyn Drive, Dunwoody, Georgia 30338

(5) Post Office Address: Same as above

(5) Citizenship: U.S.A.

(5) Inventor's signature: _____

(5) Date: _____

(6) Full name of sixth
joint inventor: Richard M. Onyon

(6) Residence: 875 Chapman Street, San Jose, California 95126

(6) Post Office Address: Same as above

(6) Citizenship: U.S.A.

(6) Inventor's signature: _____

(6) Date: _____

(4) Full name of fourth
joint inventor: Liam J. Stannard

(4) Residence: 1584 Prospect Road, Lawrenceville, Georgia 30043

(4) Post Office Address: Same as above

(4) Citizenship: U.S.A.

(4) Inventor's signature: _____

(4) Date: _____

(5) Full name of fifth
joint inventor: Donald W. Cash

(5) Residence: 1748 Vanderlyn Drive, Dunwoody, Georgia 30338

(5) Post Office Address: Same as above

(5) Citizenship: U.S.A.

(5) Inventor's signature: Donald W. Cash

(5) Date: 11/7/03

(6) Full name of sixth
joint inventor: Richard M. Onyon

(6) Residence: 875 Chapman Street, San Jose, California 95126

(6) Post Office Address: Same as above

(6) Citizenship: U.S.A.

(6) Inventor's signature: _____

(6) Date: _____

(4) Full name of fourth
joint inventor: Liam J. Stannard

(4) Residence: 1584 Prospect Road, Lawrenceville, Georgia 30043

(4) Post Office Address: Same as above

(4) Citizenship: U.S.A.

(4) Inventor's signature: _____

(4) Date: _____

(5) Full name of fifth
joint inventor: Donald W. Cash

(5) Residence: 1748 Vanderlyn Drive, Dunwoody, Georgia 30338

(5) Post Office Address: Same as above

(5) Citizenship: U.S.A.

(5) Inventor's signature: _____

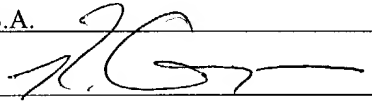
(5) Date: _____

(6) Full name of sixth
joint inventor: Richard M. Onyon

(6) Residence: 875 Chapman Street, San Jose, California 95126

(6) Post Office Address: Same as above

(6) Citizenship: U.S.A.

(6) Inventor's signature: 

(6) Date: 10-31-2003

Title 37, Code of Federal Regulations, §1.56

**SECTION 1.56. DUTY TO DISCLOSE INFORMATION
MATERIAL TO PATENTABILITY**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98.* However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office; or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

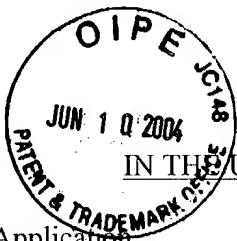
(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

* §§1.97(b)-(d) and 1.98 relate to the timing and manner in which information is to be submitted to the Office.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: BINARY DATA)
SYNCHRONIZATION ENGINE) Customer No. 28554

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CONSENT OF ASSIGNEE TO CORRECTION
OF INVENTORSHIP PURSUANT TO 37 C.F.R. §1.48

The below-identified Assignee hereby consents to correction of the named inventors in the above-identified patent application as set forth in the accompanying Petition to Correct Inventorship which adds Richard M. Onyon as an inventor.

The undersigned certifies that Assignee is the owner of a right, title and interest in the above-identified patent application by virtue of assignments from all previously listed inventors to Assignee. A true copy of the assignments are attached hereto.

The assignments have been reviewed and to the best of the undersigned's knowledge and belief, title to the above-identified patent application is in the Assignee. The undersigned is empowered to act on and sign this certification on behalf of the Assignee.

Assignee fusionOne, Inc.

Assignee Type: Corporation

Signor's Name: Richard M. Onyon

Signor's Title: President and Chief Executive Officer

Signature: [Signature]

Date: 10-31-2003

JOINT TO CORPORATE ASSIGNMENT

WHEREAS, the undersigned Inventors:

- (1) David L. Multer, a resident of 32 Eastridge Drive, Santa Cruz, California 95060;
- (2) Robert E. Garner, a resident of 309 Hidden Wood Court, Lawrenceville, Georgia 30043;
- (3) Leighton A. Ridgard, a resident of 4152 Flakes Mill Manor Lane, Ellenwood, Georgia 30294;
- (4) Liam J. Stannard, a resident of 1584 Prospect Road, Lawrenceville, Georgia 30043; and
- (5) Donald W. Cash, a resident of 1748 Vanderlyn Drive, Dunwoody, Georgia 30338,

have invented certain new and useful improvements in:

BINARY DATA SYNCHRONIZATION ENGINE

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention.

WHEREAS fusionOne, Inc. (hereinafter termed "Assignee"), a corporation of the State of Delaware, having a place of business at 55 Almaden Boulevard, Suite 800, San Jose, State of California, wishes to acquire the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, certificates of invention and other forms of protection thereon (hereinafter termed "patents") applied for or granted in the United States and/or other countries.

NOW THEREFORE, for good and valuable consideration acknowledged by each of said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey to said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply in any or all countries of the world for patents, certificates of inventions or other governmental grants on said invention, including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all applications filed and any and all patents, certificates of inventions or other governmental grants granted on said invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and other countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, executing of petitions,

oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for complying with any duty of disclosure; (c) for prosecuting any of said applications; (d) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (e) for filing and prosecuting applications for reissue of any of said patents; (f) for interference or other priority proceedings involving said invention; and (g) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, reexamination proceedings, compulsory licensing proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed this instrument on the date of acknowledgment before the Notary Public as given below and delivered this instrument to said Assignee:

1. _____ On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;
- Or
2. X Said application having Application Number 09/753,537 and filed on the 2nd day of January, 2001.

Date of Execution of Declaration for Patent Application: July 9, 2001

(1) _____
David L. Multer

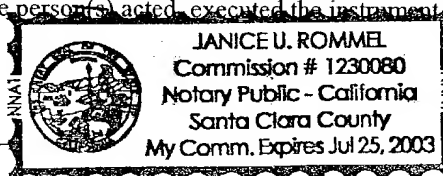
State of California)
County of Santa Clara)

On July 9, 2001 before me, Janice U. Rommel
(name and title of officer)

personally appeared David L. Multer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Janice U. Rommel



1. — On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;
- Or
2. X Said application having Application Number 09/753,537 and filed on the 2nd day of January, 2001.

Date of Execution of Declaration for Patent Application: July 11, 2001

(2) Robert E. Garner
Robert E. Garner

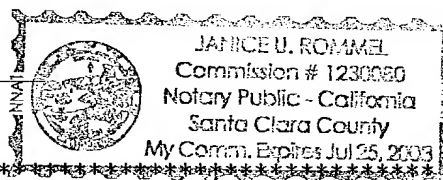
State of California)
County of Santa Clara)

On July 11, 2001 before me, Janice U. Rommel, Notary Public
(name and title of officer)

personally appeared Robert E. Garner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Janice U. Rommel



1. — On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;
- Or
2. X Said application having Application Number 09/753,537 and filed on the 2nd day of January, 2001.

Date of Execution of Declaration for Patent Application: July 9th 2001

(3) Leighton A. Ridgard
Leighton A. Ridgard

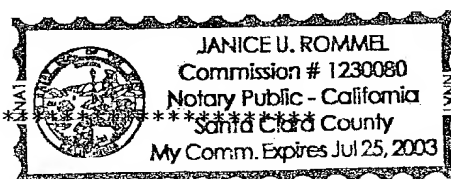
State of California)
County of Santa Clara)

On July 9, 2001 before me, Janice U. Rommel, Notary Public
(name and title of officer)

personally appeared Leighton A. Ridgard, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Janice U. Rommel



1. On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;
Or
2. X Said application having Application Number 09/753,537 and filed on the 2nd day of January, 2001.

Date of Execution of Declaration for Patent Application: 7/11/01

(4) [Signature]
Liam J. Stannard

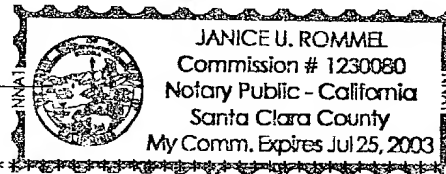
State of California)
County of Santa Clara)

On July 11, 2001 before me, Janice U. Rommel, Notary Public
(name and title of officer)

personally appeared Liam J. Stannard personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Janice U. Rommel



1. On the Date of Execution of Declaration for Patent Application set forth below adjacent to my signature;
Or
2. X Said application having Application Number 09/753,537 and filed on the 2nd day of January, 2001.

Date of Execution of Declaration for Patent Application: 7/13/01

(5) [Signature]
Donald W. Cash

State of Georgia)
County of Gwinnett)

On 7/13/01 before me, Paulanne C. Millheffer
(name and title of officer)

personally appeared Donald W. Cash personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Paulanne C. Millheffer
12/13/03